

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

RFA No.4876 of 2016(O&M)

Date of decision: 23.12.2016

Smt. Biro (deceased) through her LRs and others

... Appellants

Versus

State of Haryana through District Collector, Jind

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. V.D. Sharma, Advocate
for the appellant(s).

ARUN PALLI, J. (ORAL)

CM-13605-CI-2016

Application is allowed as prayed for.

CM No. 13606-CI of 2016

This is an application for condonation of delay of 1732 days in filing the appeal.

All what has been urged by learned counsel for the applicants is that the matter in issue is squarely covered by the judgement dated 23.04.2016, rendered by this Court in **RFA No.2176 of 2012**, titled "Rajinder versus State of Haryana", vide which, in the appeals arising out of the same acquisition, this Court had enhanced the compensation awarded to the landowners. It is submitted that although the land that was the subject matter of consideration in the case of Rajinder (supra), formed part of the revenue estate of villages Ghaso Kalan and Dumerkhan Kalan, District Jind, whereas in the present case, the acquired land was situated within the revenue estate of village Ghaso Khurd, District Jind. But, that, he submits, would hardly make any difference, for, the land in all the three villages was acquired pursuant to the same notification, and for a common purpose i.e. construction of Barsola Feeder.

Notice.

On the asking of the Court, Mr. Abhinash Jain, AAG Haryana, present in the Court, accepts notice on behalf of the respondent.

The factual position as set out above, is not disputed by the learned State counsel.

I have heard learned counsel for the parties and perused the record.

In the wake of the decision of the Hon'ble Supreme Court in *Imrat Lal and others v. Land Acquisition Collector and others, 2015(2) RCR (Civil) 437* and *Dhiraj Singh (D) Tr. LRs. v. Haryana State and others, 2015 (2) RCR (Civil) 507*, delay of 1732 days in filing the accompanying appeal is condoned. However, to balance the equities, for the period of delay, the applicants shall not be entitled to interest on the enhanced compensation.

CM stands disposed of.

RFA-4876 of 2016

For, the learned counsel for the parties are ad idem that the matter in issue is squarely covered by the decision rendered by this court in *Rajinder's case (Supra)*, the present appeal is disposed of in terms of the said decision. However, the appellants shall not be entitled to interest on the enhanced compensation for the period of delay in filing the appeal i.e.1732 days.

December 23, 2016
sanjiv

(ARUN PALLI)
JUDGE

Whether speaking / reasoned:
Whether Reportable:

YES/NO
YES/NO